



Winston Hickox
Secretary for
Environmental
Protection



Gray Davis
Governor

MINUTES OF
REGULAR MEETING
Friday, March 21, 2003
REGIONAL WATER QUALITY CONTROL BOARD

Friday, March 21, 2003, 8:30 a.m.

Chairman Bruce Daniels called the meeting of the Central Coast Regional Water Quality Control Board to order at 8:30 a.m. on March 21, 2003, in the Conference Room of the Central Coast Regional Board Office, 895 Aerovista Place, Suite 101, San Luis Obispo, California.

1. Roll CallExecutive Assistant Carol Hewitt

Board Members Present:

Chairman Bruce Daniels
Vice Chair Jeffrey Young
Leslie Bowker
John Hayashi
Russell Jeffries
Daniel Press
Gary Shallcross
Donald Villeneuve

Absent: Marco Rizzo

2. IntroductionsExecutive Officer Roger Briggs

Executive Officer Roger Briggs introduced staff and asked all interested parties who wished to comment to fill out testimony cards and submit them. Mr. Briggs announced that Mr. Gary Carlton, State Board Liaison,

is attending the meeting today. Mr. Briggs listed Supplemental Sheets and Question and Answer items as follows: Items #7, 7A, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 23, and 28.

3. Approval of Minutes for February 7, 2003 Meeting Board Motion

MOTION: Russell Jeffries moved to approve the February 7, 2003 minutes. **SECONDED** by John Hayashi.
CARRIED – Unanimously (7-0) *Note: Donald Villeneuve abstained.*

4. Water Quality Awards [Michael Higgins 805/542-4649] Board Acknowledgement

The Regional Board presented water quality awards to eight recipients: Kenneth and Gabrielle Adelman, Carmel Area Wastewater District (Ray Van Dohren), Maria Morissey, Gail Youngblood/Fort Ord Superfund Site, Jim Diani/Diani Construction Company, Wayne Ferren/UCSB Museum of Systematics and Ecology,

Eduard van Wingerden/Everbloom Greenhouses, Tim Campbell/CalTrans. Board member Gary Shallcross also received an award for "The Most Esteemed Previous Chair." Staff member, Matt Fabry, received an award for his dedicated service, professional attitude, and great friendship.

26. Report by State Water Resources Control Board Liaison [Gary Carlton 916/341-5603]..... Status Report

State Board Liaison, Gary Carlton reported on issues relating to water rights, water quality, and budget administration. The TMDL program continues to be the number one priority statewide, and State Board is pleased with the progress that the Regional Boards are making. State Board continues to receive requests from the USEPA to make additional progress. Funding remains in tact for the TMDL program.

There has been a court ruling on the Storm Water Control Program in San Diego. The ruling upholds every aspect of the Storm Water permit as adopted by the San Diego Regional Board, with some subsequent modifications at the State Board. It is hoped the development will break the logjam of resistance with municipalities for accepting the next round of Phase I Storm Water permits. We can now move along with Phase II of the program.

Art Baggett, Chair of the State Board has been reappointed to the State Board for another four-year term. This will give us continuity with our objectives.

AB1X10 was signed into law by the Governor Davis. This is a revenue law that will provide for the State Water Board and the Air Resources Board to increase their fees to recover revenues that will be taken from their budgets by reducing general funding. Workshops will be held in the Northern and Southern part of the State to receive input from the regulated community on how the State Board should go about revising their current fee regulations.

5. Public ForumChair Daniels

- Colleen and Eric Johnson/Residents, Morro Bay – encouraged the air-cooling method for the Duke Energy Power Plant, Morro Bay. They asked the Regional Board if it would be possible to conduct an independent study on the financial impacts a new power plant would have on our food supply and the entire fishing industry.
- Nelson Sullivan/CAPE – raised concerns about impingement of jellyfish at the Duke Energy Power Plant, Morro Bay due to once-through cooling.
- Tom Laurie/CAPE – against once-through cooling at the Duke Energy Power Plant, Morro Bay.
- Peter Wagner/Resident, Morro Bay – against once-through cooling at the Duke Energy Power Plant, Morro Bay and believes one set of figures should be used to calculate the volume of the bay.
- David Nelson/Resident, Morro Bay - noted that the Board has an opportunity to clean up some problems that have occurred with regard to the Morro Bay Power Plant.
- David Paradies/AB982 Advisory Group – stressed the importance of water quality monitoring and adequate funding. He advised the Board that without resources for water quality monitoring it would disable the Board's decision support system. He asked the Board to do everything possible to support staff's monitoring proposals and to find the resources to continue water quality monitoring.
- Kevin Collins/Lompico Watershed Conservancy – raised concerns about the timber harvest sites that the Regional Board is scheduled to tour. He is concerned that the Board would only tour sites selected by the regulated industry due to the issue of public access. He suggested that the Board visit the Zayante site.

6. Uncontested Items.....Board Motion

Executive Officer Briggs requested to add Item #25/UST Cleanup Fund/Emergency, Abandoned, Recalcitrant Account FY 2003-04 Annual Sites List off of the consent calendar. Mr. Briggs addressed a question on Item #24/Priority List for the Clean Water

State Revolving Fund Loan Program. Chair Daniels asked if anyone had any additional requests on the consent calendar. Board member Shallcross requested to pull Item #25.

MOTION: Russell Jeffries moved to approve consent calendar Item Nos. 17, 19, 20, 21, 22, and 24. SECONDED by Gary Shallcross. CARRIED – Unanimously (8-0)

7. Low Threat Cases Information/Discussion

Executive Officer Briggs noted the following recommended discharger for enrollment under the General NPDES Permit:

- Montgomery Watson Harza Americas, Inc./Pilot Test Facility/Corralitos Creek, Santa Cruz County

For General Waste Discharge Requirements:

- Wine Country RV Resort/San Luis Obispo County
- Scotts Valley Water District Monitoring Well Development and Discharge

For General Waste Discharge Requirements for Wineries:

- Rabbit Ridge Winery, San Luis Obispo County
- San Saba Winery, Monterey County

For Waivers of Waste Discharge Requirements:

- Camp San Luis Obispo Soil Treatment System
- Guadalupe Oil Field Well Purging
- Robert Mann Packing, Inc.
- Madonna Construction Highway Grinding Residue Discharge
- Santa Clara Valley Water District Pipeline Installation Project

The Board had no questions or objections to the above recommendations.

7A. Big Creek Lumber Company/Scot Creek Timber Harvest Plan Resolution No. 2003-0053

Regional Board staff Chris Adair proposed that existing and future Timber Harvest Plans (Plans) on the Central Coast be regulated by Individual Waivers of Waste Discharge Requirements. A discussion regarding the Regional Board's authority to add

additional monitoring requirements to existing Plans followed. Speakers from the public included Kevin Collins of the Lompico Watershed Conservancy and Eric Huff, the Professional Forester for the Scott Creek Plan.

MOTION: John Hayashi moved to adopt Resolution No. 2003-0053 to include a monitoring plan with specific monitoring points upstream and downstream of water crossings in the plan area. Staff will provide specific language and have it available by the next Board meeting. SECONDED by Leslie Bowker. CARRIED – Unanimously (8-0).

(Chair Daniels announced a break at 11:02 a.m. The meeting reconvened at 11:15 a.m.)

8. MTBE Sites Status Reports

Board member Villeneuve recused from this item.

Mr. Peter Chaldecott, Cambria Community Service District (CCSD) Board of Directors, referred the Regional Board to the CCSD's March 3, 2003, letter

detailing inaccuracies in Chevron Products Company monthly progress reports that are submitted to the Regional Board.

9. Perchlorate Sites [Harvey Packard 805/542-4639] Status Reports

Sr. Engineer Harvey Packard presented the latest sampling results for the San Martin area perchlorate contamination. Mr. Packard also mentioned that the City of Morgan Hill has shut down three wells recently due to perchlorate.

Board Member Press asked if the nearby Coyote Reservoir could be affected by the Olin case. Mr. Packard said no, because they are in different groundwater basins separated by bedrock.

Chair Daniels asked if we are going to order Olin to sample wells north of the site. Mr. Packard said that staff is analyzing data to determine if Olin's spill could be migrated upgradient to the north. Mr. Daniels also

asked if Gazos Creek might be affected. Mr. Packard replied that Gazos Creek recharges groundwater and is not expected to be affected by the contamination

10. Enforcement Report Status Report

This is a written report. Board questions were addressed in the Questions and Answers document.

11. PG&E Diablo Canyon Power Plant, San Luis Obispo County Board Approval

Regional Board staff, Water Resource Control Engineer Michael Thomas, presented an overview of this item, including background and a summary of items contained in the settlement. Ed Weil, Deputy Attorney General presented a summary of the proposed Consent Judgment. Jennifer Soloway, State Board staff counsel presented text describing elements of the Conservation Easement.

(Chair Daniels announced a break for lunch and the Closed Session meeting at 12:30 p.m. The meeting reconvened at 1:48 p.m.)

- Jim Becker, PG&E: Stated support for Consent Judgment and Easement
- Sandy Agalos, Representative for Assemblyman Abel Maldonado: Stated support for Consent Judgment and Easement
- Fred Wendell, CA Department of Fish & Game: Gave a presentation on CA Department of Fish and Game's statewide efforts on creating Marine Preserves, and their possible applicability to the area offshore of the Diablo Canyon facility.
- Deborah Johnston, CA Department of Fish & Game: Presented concerns regarding Consent Judgment and Easement, including whether future impacts should be handled separately from this settlement.
- Peter Wagner, Sierra Club: Stated opposition to Consent Judgment and Easement
- Bruce Gibson, Land Conservancy of San Luis Obispo: Represented the organization that will be holder of the conservation easement. Stated support for the Consent Judgment.
- Henriette Groot, CAPE: Asked whether any 316(b) studies had been done in the 1960s. Stated that taking of marine resources is unacceptable.
- Tarren Collins, Sierra Club/SLO County Chumash Council: Requested rejection of Consent Judgment and Easement. Future impacts should not be included.
- Rhonda Vigil, SLO County Chumash Council: Stated concerns about damage from Diablo Canyon facility and Native American sites.
- Rochelle Becker, SLO Mothers for Peace: Stated opposition to Consent Judgment and Easement. PG&E's bankruptcy raises issues that may interfere with this Settlement.
- Rim Fay, California Earth Corps: Stated opposition to Consent Judgment and Easement
- David Nelson, Resident/Morro Bay: Stated opposition to Consent Judgment and Easement.
- Dr. Nikki Adams, Cal Poly: Submitted written comments previously. Requested that funds be restricted to Marine preservation and to the immediate vicinity of impacts. Stated that an additional \$150,000 for 10 years needed to support Biolab.
- Rebecca McFarland, SLO Office of Education: Read letter from supervisor. Requested help for better access to Biolab, and augmentation of operating funds for Biolab.
- Professor Greg Cailliet, Moss Landing Marine Labs: Answered questions from Board members. Discussed larvae productivity and concept of Marine Preserve. Clarified that 10-14 species entrained at Diablo are from the subtidal zone.

- Roger Briggs read letter submitted by Tom and Sherry Hofer, commercial fisherman.

Judgment and Conservation Easement with proposed changes.

Mr. Thomas concluded with a summary and staff's recommendation to approve both the Consent

MOTION: Jeffrey Young moved to approve the Consent Judgment and the Conservation Easement with proposed changes. **SECONDED** by Don Villeneuve. A roll call vote was taken:

Gary Shallcross - No
Daniel Press - No
Russell Jeffries - Yes
Bruce Daniels - Yes
Jeffrey Young - Yes
Don Villeneuve - Yes
Leslie Bowker - Yes
John Hayashi - Yes

(Chair Daniels announced a break at 3:20 p.m. The meeting reconvened at 3:30 p.m.)

12. Former PG&E Moss Landing Power Plant, Monterey County Board Approval
[Alison Jones 805/542-4646]

Alison Jones of Regional Board staff presented proposed specific criteria for two of the three supplemental environmental projects to be funded by Pacific Gas and Electric Company under a consent judgment settling alleged violations of PG&E's Moss Landing power plant permit. The Board had previously concurred with the consent judgment at the December 13, 2002 meeting. The consent judgment establishes three funds and contains general criteria for the use of the three funds. The consent judgment also contains provision for Board approval of more specific criteria for two of the three funds, the Nonpoint Source Projects Fund and the Nonpoint Source Monitoring Fund. Specific criteria proposed included the amount of cost-share match that would be required, caps on the size of projects, and portions of the funds to be allocated to different categories of projects.

Comment was received from several members of the public. Katie Siegler from Monterey Bay National Marine Sanctuary supported the proposed criteria and stressed the need for small grants to small farms with limited resources and the need for flexible funding without the constraints of other funding sources. Ross Clark of the California Coastal Commission stated that community input is important in project selection, because of the diversity of problems and interest groups in the area. The Coastal Commission is in support of agricultural implementation and continuous monitoring along the coast, but also sees wetland restoration as an important issue. Melanie Mayer

Gideon, resident of Moss Landing, requested elimination of the proposed \$250,000 maximum project size and the inclusion of other plans. Linda Horning and Dr. Peggy Shirrel of Moss Landing Harbor District spoke in support of a proposed project to fund a risk assessment for disposal of dredge spoils. Lou Calcagno from the Monterey County Board of Supervisors requested funds for Moro Cojo Slough restoration. Dr. John Oliver of Moss Landing Marine Labs stated that information was needed on handling sediments and that restoration of Moro Cojo Slough should be a priority. Emily Hanson from the Monterey County Resource Conservation District spoke in support of the criteria, stating that the funds will fill a gap for farmers who don't usually take advantage of government grant funds because of the length of time and paperwork involved. She asserted that the funds would encourage widespread use of sustainable practices by showing farmers that they are viable. Marli Melton of the Community Foundation for Monterey County, which will administer the funds, emphasized the Foundation's broad knowledge of the local community and stated that the Technical Advisory Committee involved in development of the proposed criteria had decided to expand its membership after the initial meeting.

(Board member Hayashi left the meeting at 4:40 p.m.)

After hearing the staff presentation and taking public comment, the Board deferred action and directed staff

to further refine the criteria to allow more flexibility in the use of a portion of the funds and to return with

more specific examples of eligible projects.

13. Ronald R. Durham – Richard Sermone, Santa Clara CountyOrder No. 2003-0023
[Jennifer Bitting 805/549-3334]

A \$1000 Administrative Civil Liability was paid and their right to a hearing waived by the discharger for

failure to submit an annual report as required by the Permit.

14. Morgan Meadows Associated LLC, Santa Clara CountyOrder No. 2003-0024
[Jennifer Bitting 805/549-3334]

The responsible party had not owned the property for two years. There was a disconnect with the Notice of Termination that would have removed the responsible

party from the Storm Water Program. Mr. Briggs recommended withdrawal of the complaint on the issue.

(Chair Daniels announced a break at 5:20 p.m. The meeting reconvened at 5:30 p.m.)

(Board member Villeneuve left the meeting at 5:45 p.m.)

18. Tajiguas Class III Landfill, Santa Barbara CountyOrder No. 2003-0011
[David Athey 805/542-4644]

Michael LeBrun of Regional Board staff provided the Regional Board a brief overview of the Tajiguas Landfill by showing a short video of the Regional Board landfill tour and providing general description of the Landfill setting.

events. The creek will dry-up within several days of a rain event. Indicated that Pila Creek ranks 22nd out of 24 south coast creeks in terms of pollution (data from 2000-2002).

Regional Board staff, David Athey gave a presentation covering the general and site-specific aspects of the Tajiguas Landfill and the proposed Order. The presentation addressed aspects of the proposed expansion area including geology, hydrogeology, setting, seismic considerations, monitoring program adequacy, surface and groundwater pollution considerations, and compliance with other applicable State and Federal landfill regulations.

Mark Gravetti (County Consultant): Addressed a hydraulic conductivity question from Regional Board Member Daniels.

Phil Demery (County of Santa Barbara): Addressed the Regional Board members by providing a 10-minute presentation of the landfill.

Paul Karp (City of Santa Maria): Addressed the Regional Board in support of the landfill expansion.

Gary Lass (Geologic Associates) – County Consultant: Addressed the slope stability question from Regional Board Member Young.

Dr. Dan Seacourt (City of Solvang): Addressed the Regional Board in support of the landfill expansion.

Gib Phates (URS) – County Consultant: Addressed the bacteria contamination question from Regional Board Member Young. Mr Phates also pointed out that Pila Creek flows only during extreme/significant storm

Hillary Houser (Heal the Ocean): Introduced speakers/consultants on behalf of Heal the Ocean.

George Pavlov (Heal the Ocean Consultant): Mr. Pavlov commented that the existing monitoring system is inadequate. He believes MW-14 is the only well that monitors the Monterey Formation and that there is a need for additional wells south of the collection trench to monitor the Monterey Formation.

Frank Goldman, Geosolve (Heal the Ocean consultant): Mr Goldman stated that the wells are not properly located. Water wells are screened in different

water bearing zones. Thus, water levels cannot be compared to each other to define groundwater gradients. Additional wells are needed in all formations to know what's going on.

Jason Moore (Heal the Ocean's seismic consultant): Mr Moore addressed seismic issues. He provided a summary of his evaluation of seismic issues in regards to the proposed expansion.

Bob Hazard: Mr Hazard addressed bacteria issues within the landfill vicinity. Specifically he addressed concerns of bacteria impacts to Pila Creek.

Vicky Clark (attorney representing Heal the Ocean): Ms Clark provided the Regional Board Members a handout and summarized several recommendations concerning the proposed Order.

Roger Briggs (Executive Officer): Mr. Briggs asked the County to provide a response to the recommendation for additional wells.

Phil Demery (Santa Barbara County): Indicated the County has no problem with locating additional wells. County agreed to work with Regional Board staff regarding locating any additional wells. Mr Demery also stated the County will institute a permanent Falcon Program at the landfill.

Roger Briggs: Mr Briggs asked staff to address specific recommendations summarized by Vicky Clark. Regional Board staff:

-Engineered alternative: Staff re-stated the existing leachate collection trench, the gas collection system and continued pumping of the DW wells (the County has agreed to continue pumping the DW wells) provides an effective engineered alternative. No further evaluation is needed.

-Additional Wells: The County has agreed to install additional wells directly south and either side of the existing collection trench (east and west) as required as part of the ground water monitoring program evaluation. Additional wells will be located at appropriate locations as part of the proposed expansion.

-Bacteria: Staff recommends ongoing implementation of Best Management Practices such as the bird management program to continue minimizing bacteria impacts. Regional Board Member Young asked whether the County would be required to address offsite bacteria impacts. Staff indicated the County is not considered responsible for offsite sources of bacteria.

-Falcon Program: The proposed Order requires implementation of a permanent Falcon Program.

Five year review: Staff intends to review the Order within five years.

MOTION: Daniel Press moved to approve Order No. 2003-0011 with discussed changes. SECONDED by Leslie Bowker. CARRIED – Unanimously (6-0)

23. Options for Developing an Amendment to the Central Coast Water Quality Control Plan (Basin Plan) Requiring Secondary Treatment for all Ocean Discharges [Howard Kolb 805/549-3332] Status Report

The Central Coast Regional Water Quality Control Board (Regional Board) requested Regional Board staff evaluate the potential for a Central Coast Water Quality Control Plan (Basin Plan) amendment requiring a minimum of secondary treatment for all ocean discharges from wastewater treatment works. Two options were evaluated: amending the State Ocean Plan or amending the Basin Plan.

Staff presented to the Regional Board a review of these options that included a review of the Federal Clean Water Act, Section 301(h), Federal Code of Regulations, Title 40, Part 125.57, Porter-Cologne

Water Quality Control Act, the Central Coast Region Water Quality Control Plan (Basin Plan), other regional Basin Plans (Regions 1, 2, 4, 8, and 9), 2001 Triennial Review List, and legal review regarding the development of the proposed Basin Plan amendment.

Regional Board agreed that staff should proceed with the development of an amendment adopting technology-based effluent limitations requiring secondary treatment for all ocean discharges from wastewater treatment works (public and private) and report back to the Board at a future Board meeting.

25. Underground Storage Tank Cleanup Fund – Emergency, Abandoned, Recalcitrant Account FY 2003-04 Annual Sites List [Matt Keeling 805/549-3685].....Resolution No. 2003-0049

Matthew Keeling, staff Water Resources Control Engineer, answered Board questions regarding the Emergency, Abandoned, Recalcitrant Account program. Specifically, the Board questioned the allotment of \$100,000 for underground storage tank sites only "potentially releasing to the subsurface" as indicated in the proposed sites list. Board member Jeffries also inquired about the history of the program and expenditures to date. Mr. Keeling responded the program was intended to provide up to \$100,000 for local agencies to remove abandoned underground

storage tanks (UST) out of compliance with current UST design standards and regulations. Preliminary site investigation work could also be conducted under the program to assess the potential for and extent of petroleum hydrocarbon impacts. Mr. Keeling indicated the program has only been used for one site in Region 3 as identified in the staff report and no money had been expended on additional projects to date because of limited local agency staff resources.

MOTION: Gary Shallcross moved to adopt Resolution No. 2003-0049. **SECONDED** by Russell Jeffries.
CARRIED – Unanimously (6-0)

27. Reports by Regional Board Members..... Status Report

Chair Daniels will provide a written report of the Chairs' meeting held in Sacramento on March 20, 2003.

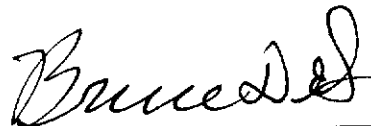
28. Executive Officer's Report [Roger Briggs 805/549-3140]..... Information/Discussion

Executive Officer Briggs noted Supplemental Sheets on the Seawater Desalination Working Group, the Diazinon Spill in Santa Cruz County, and the City of Hollister Contract for Interim Improvements. The Northern San Luis Obispo County grading projects are being handled with a problem solving approach. The Timber Tour will be held in Santa Cruz County on

April 28, 2003. We will provide a detailed itinerary for the tour on a later date. May 15 will begin our Board meeting in Watsonville with the Duke Energy Remand item at 1:00 p.m. A special meeting coming up will be held on June 4 (offsite meeting and staff recognition BBQ).

Chair Daniels adjourned the public meeting at 8:03 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its May 15-16, 2003 meeting in Watsonville, California.



Bruce Daniels, Chair